Attorney Docket # 4926-88PUS

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Petteri PUTKIRANTA

Serial No.: 09/646,802

Filed: September 22, 2000

For: Method And System For Using Location Dependent Services In A Cellular Radio System

Examiner: Smith, S. B.
Group Art: 2681

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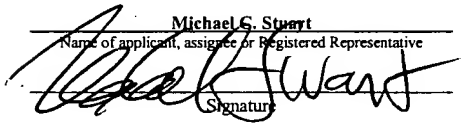
Michael G. Stuart
Name of applicant, assignee or Registered Representative



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PRE-APPEAL BRIEF REQUEST FOR REVIEW

SIR:

Applicant requests review of the Non-Final Rejection in the above-referenced application. No amendments are being filed with this request.

The review is requested for the reasons set forth on the following pages.

Claims 1-12 are pending, with claims 1, 5 and 7 being the independent claims. Claims 1-12 were rejected under 35 U.S.C. §103(a) as unpatentable in view of U.S. Patent No. 5,371,738 ("*Moelard*"). For the following reasons, reconsideration and withdrawal of the rejection is order.

The general concept of providing the user of a cellular radio communications system with a location-dependent service profile is known in the prior art. In such a system, a mobile station, such as a cell phone, may have different services depending on the picocell, microcell, cell, and/or cell sector with which it has a current communication link. The cited reference, *Buhrmann*, discloses such a prior art system: a mobile telephone switching office (MTSO), *e.g.*, the Mobile Services Switching Center (MSC), stores a plurality of "service profiles," where each service profile corresponds to either a specific cellular phone or a specific subscriber. The service profile indicates the features or services to which that phone or subscriber is entitled. Here, location-specific handling of incoming calls takes place in response to the network determining (i.e., reading from a network-based location register) that the subscriber is either at remote location "A" or "B". However, in *Buhrmann*, it is the network which plays the prominent role in discovering the location of the mobile terminal in respect to the service areas. For example, when *Buhrmann* describes how the network establishes a communication link between a certain terminal and a certain MTSO by determining whether the terminal is within a user zone (see col. 11, line 59, to col. 13, line 14), it is a processor within the MTSO that is responsible for determining the location of the terminal (see especially col. 12, lines 40-64). Hence, *Buhrmann* teaches that the MTSO must determine if any particular cell phone is in a localized service area in order to provide and/or maintain the location-dependent services.

In contrast, the invention recited in independent Claims 1, 5, and 7 moves some of the maintenance and control tasks for location-dependent services out from the MTSO/MSC to the mobile stations in the field. As described in the specification, the mobile station recognizes whether it is in a defined "localized service area" (see, e.g., page 7, lines 16-18, referring to block 202 in FIG. 2) and sends that information directly to the service and/or application server which will activate or deactivate localized services based on that message (see, e.g., page 2, lines 13-17; page 4, lines 13-20). Similarly, Claim 1 recites that a service server which receives a mobile station generated message describing the location of the mobile station in relation to the localized service areas; Claim 5 recites a cellular mobile station which recognizes, using a memory means, a localized service area and sends a notification of the recognized localized service area; and Claim 7 recites the step of receiving from the mobile station a message indicating that the mobile station has

detected that it is in the localized service area. In short, it is the MS in Claims 1, 5, and 7 which determines whether it is in a localized service area, not another network element, such as the MTSO of *Buhrmann*, and it is the MS which notifies the network in which localized service area it is located.*

The Examiner acknowledges that *Buhrmann* differs from the claimed invention in that *Buhrmann* fails to teach mobile station generated messages describing the location of the mobile stations in relation to localized service areas, and a cellular mobile station having memory means, as recited in independent claims 1 and 7, respectively. The Examiner cites *Moelard* in an attempt to cure these deficiencies of *Buhrmann* (Office Action, pg. 3).

However, the combination of *Buhrmann* and *Moelard* fails to teach or suggest the limitations "changing the service selection offered to a mobile station by the communications system in response to an indication of the arrival of the mobile station in said localized service area, which indication is a message generated by said mobile station" (claim 1), a "mobile station is adapted so as to send a notification of its arrival in the localized service area in response to the recognition of the localized service area, said notification being intended as an impulse for changing the service selection offered to the mobile station" (claim 5), and the steps of: "receiving from the mobile station a message indicating that the mobile station has detected that it is in the localized service area; generating information about the arrival of a mobile station in a localized service area; and changing the service selection offered to said mobile station by the communications system" (claim 7). Put differently, the combination of *Buhrmann* and *Moelard* fails to teach or suggest that the service profile of a mobile station would be changed in any way in response to a handover.

Moelard relates to a local area network wherein the handover of mobile stations from one base station to another is effected in a simple manner which is easily implemented (see col. 2, lines 19-21). However, *Moelard* fails to provide any extension to what is taught in *Buhrmann* to thereby arrive at the claimed invention. After all, the concept of a mobile-initiated handoff is old and well known. *Moelard* has nothing to do with changing a service profile of a mobile station in response to a handover. A mobile-initiated handover of the type disclosed in *Moelard* is only one of a possible number of ways in which a mobile terminal may move around in a network so that at

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* A "localized service area" is not a geographic, but rather an administrative or system location. which can even be defined in chronological terms, i.e., a localized service area can exist only at a particular time at a particular place.

some point, triggered for another reason, the network decides to change the location of the location-specific service profile. In any event, even if the handover was suggested (triggered) by the mobile terminal, *Moelard* teaches that the final decision of whether or not the handover will be allowed will be performed at the network.

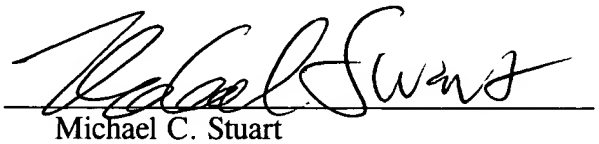
In contrast, the responsibility for generating the location information and subsequently communicating it to the service server is given to **the mobile station** in independent Claims 1, 5, and 7 of the present application. The combination of *Buhrmann* and *Moelard* fails to teach this aspect of the claimed invention.

As an example, consider the case in which the mobile subscriber sits on a bridge between the USA and Canada, and random connection interference causes his mobile terminal to perform handovers to the US and Canadian networks at certain intervals. The prior art solution, in which the decision to offer location-dependent services is the responsibility of the network, suffers from the drawback of toggling the user between US-based and Canadian based services without providing the user with the ability to influence what services he would actually like to obtain. A simple mobile-initiated handover, as disclosed in *Moelard*, without any established connection between a mobile-originated location announcement and the location-dependent services, fails to provide a solution to the foregoing prior art problem.

In view of the foregoing, independent claims 1, 5 and 7 are patentable over *Buhrmann* in combination with *Moelard*. Consequently, withdrawal of the rejection under 35 U.S.C. §103(a) is in order, and a notice to that effect is earnestly solicited.

Applicant respectfully submits that this application is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
COHEN, PONTANI, LIEBERMAN & PAVANE

By 

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